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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,199	03/28/2001	Young Soo Lee	P1513USA	2928

8968 7590 08/02/2005

GARDNER CARTON & DOUGLAS LLP  
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CHICAGO, IL 60606

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/819,199	LEE, YOUNG SOO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mike Tomaszewski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. 09/819,199.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notice To Applicant***

1. This communication is in response to the application filed 28 March 2001.

Claims 1-6 are pending.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 320. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S430, S460 and S510. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. The abstract of the disclosure is objected to because it exceeds the one paragraph limit. Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because of the following informalities: various grammatical/spelling errors throughout the specification. For example, "...it cannot give a fully satisfaction to the users..." (pg. 1, lines 18-19 of the application).

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum (6,340,978, hereinafter Mindrum) in view of Callahan et al. (5,949,491, hereinafter Callahan).

(A) As per claim 1, Mindrum discloses a system for providing medical moving picture data of a life, said system comprising:

- (a) a moving picture database for storing said moving picture data classified according to each member's baby (Mindrum: col. 3, lines 33-36; col. 7, lines 18-31; Fig. 8); and
- (b) a multimedia server for receiving said moving picture data and storing said moving picture data in said moving picture database (Mindrum; col. 5, lines 61-63; Fig. 8), said moving picture data classified according to said

each member's baby (Mindrum; col. 10, lines 29-32), and transmitting said moving picture data to a member's service terminal on request of said member (Mindrum; col. 5, lines 62-67; Fig. 8)

Although Mindrum fails to explicitly disclose a medical institute connected to a multimedia server for receiving said moving picture data from said medical institute, this feature is old and well known in the art as evidenced by Callahan.

In particular, Callahan discloses a system and method for receiving medical moving picture data via a multimedia server connected to an affiliated medical institute (Callahan: col. 8, lines 33-52; Fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the aforementioned features of Callahan within the Mindrum system with the motivation of exploiting the cost effectiveness of the Internet by electronically uploading data directly from the medical institute to the multimedia server via the Internet (Callahan: col. 1, lines 58-65).

(B) As per claim 3, Mindrum discloses the system of claim 1, wherein said moving picture data includes ultrasonic moving pictures of an unborn child, sound of heart beat of said unborn child, moving pictures of delivery of said baby, footprint and at least one moving picture of said baby after delivery (Mindrum: col. 3, lines 33-36; col. 7, lines 18-31).

Note that examiner considers that a “detailed, chronological history and background of a life— complete with pictures, important documents, completed personal information questionnaires, audio and video clips and other information” (Mindrum: col. 3, lines 33-36; col. 7, lines 18-31) would include all of applicant’s aforementioned picture and sound data.

(C) Claim 5 is identical to claim 1 with the exclusion of hardware elements, namely, a moving picture database and a multimedia server. As such, claim 5 is rejected for the same reasons given for claim 1.

10. Claim 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Callahan as applied to claim 1 above, and further in view of Garfinkle et al. (6,017,157, hereinafter Garfinkle).

(A) As per claim 2, Mindrum discloses the system of claim 1, said system further comprising:

- (a) a photo database for storing photo data classified according to said each member’s baby (Mindrum: col. 3, lines 33-36; col. 7, lines 18-31; Fig. 8);  
and
- (b) a photo server for receiving said photo data and storing said photo data in said photo database (Mindrum; col. 5, lines 61-63; Fig. 8) according to said each member’s baby (Mindrum; col. 10, lines 29-32) and transmitting

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said photo data to a member's service terminal on the request of said user (Mindrum; col. 5, lines 62-67; Fig. 8).

Although Mindrum fails to explicitly disclose a studio connected to a multimedia server for receiving photo data from an information providing apparatus of said studio, this feature is old and well known in the art as evidenced by Garfinkle.

In particular, Garfinkle discloses a system and method for receiving photo data from an information providing apparatus of a studio connected to a multimedia server (Garfinkle: col. 3, lines 4-20 and lines 52-55; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the aforementioned features of Garfinkle within the Mindrum system with the motivation of distributing picture data in a manner that is economical and easily accessible through a secure network (Garfinkle: col. 1, lines 54-55).

(B) As per claim 4, Mindrum discloses the system of claim 1, wherein said photo data includes an ultrasonic photo of an unborn child, a photo of said baby during delivery, footprint and at least one photo of said baby after delivery (Mindrum: col. 3, lines 33-36; col. 7, lines 18-31).

Note that examiner considers that a "detailed, chronological history and background of a life—complete with pictures, important documents, completed personal information questionnaires, audio and video clips and other information" (Mindrum: col.

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3, lines 33-36; col. 7, lines 18-31) would include all of applicant's aforementioned photo data.

(C) Claim 6 is identical to claim 2 with the exclusion of hardware elements, namely, a photo database and a photo server. As such, claim 6 is rejected for the same reasons given for claim 2.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches the following:

a system and method for storing and remotely accessing photos, movies, audio clips and other pertinent information of babies on the Internet via a password protected website; the system and method also discloses additional features including commercial and public advertising, as well as a gift registry (CA 2,312,011 A1);

a system for remote evaluation of ultrasound information obtained by a programmed application specific data collection device; the system further teaches the storing of various data including sound, movies, fingerprint images, and the like, and also teaches the use of a video camera device to capture video footage to be stored (6,569,097 B1);

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a computer-based medical image distribution system and method that is scalable to include a wide variety of information capturing devices (e.g., ultrasound, cameras, etc.), users (e.g., patients, physicians, members, etc.), and information sources (e.g., medical institutes, studios, etc.) (6,260,021 B1);

an ultrasonic diagnostic imaging system with access to reference image library (5,938,607);

a system and method for storing and displaying ultrasound images and converting various data formats to compressed digital format (5,920,317);

an ultrasonic diagnostic imaging system with universal access to diagnostic information images (5,715,823 A); and

a video distribution method and system utilizing a variety of data information input devices, users and the Internet (US 2002/0138843 A1).

The cited but not applied prior art also includes non-patent literature articles by John F. Waldron ("Internet Changing the Picture for Portrait Industry" Sep. 10, 1999. San Antonio Business Journal. Vol. 13, Iss. 31. pg. 18.); Pat Eaton-Robb ("Internet a Quick Way to Display Photos of Newborns" The Patriot Ledger. Feb 28, 1998. pg. 01.F.); James Coates ("The Internet Baby Boom Bucks" Chicago Tribune. Nov. 10, 1997. pg. 1.); Sunny Chow ("My Baby is On The Net" The Strait Times. Jan 8, 1997. pg. NOPGCIT.); and Pearl Babiuk and Doreen Tennant ("New TeleUltrasound Program Goes "Live" in Northern Alberta Linking Rural Patients with Edmonton Radiologists" Canada NewsWire. Jul. 20, 2000. pg.1.).


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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT ~~MA~~ 9.28.05

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER